

## **EXHIBIT A**

**FILED: OTSEGO COUNTY CLERK 11/10/2020 03:31 PM**

NYSCEF DOC. NO. 1

INDEX NO. EF2020-690

RECEIVED NYSCEF: 11/10/2020

STATE OF NEW YORK  
SUPREME COURT COUNTY OF OTSEGO

ALLAN R. PEARSALL,

Plaintiff,

**SUMMONS**

-against-

WAL-MART STORES EAST, LP,

Defendant.

To the above named Defendant:

You are hereby Summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Plaintiff designates Otsego County as the place of Trial. The basis of the venue is the County where the plaintiff resides. Plaintiff resides at 2403 State Highway 51, in the Town of Morris, County of Otsego, State of New York.

Dated this 10<sup>th</sup> day of November, 2020

SCARZAEVA, BASDEKIS & DADEY, PLLC

  
THEODOROS BASDEKIS, ESQ.

Attorneys for Plaintiff(s)

Office and Post Office Address

48 Dietz Street-Suite C

Oneonta, New York 13820

TEL #(607) 432-9341 FAX#607-432-1986

To the above named Defendant: The nature of the action is personal injury. The relief sought: judgement against the defendants in an amount to be determined upon the trial of this action, together with the interest, costs and disbursements of this action.

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NYSCEF DOC. NO. 2

INDEX NO. EF2020-690

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STATE OF NEW YORK  
SUPREME COURT COUNTY OF OTSEGO

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ALLAN R. PEARSALL,

Plaintiff,

**VERIFIED  
COMPLAINT**

-against-

WAL-MART STORES EAST, LP,

Defendant.

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Plaintiff, Allan R. Pearsall, by his attorneys, Scarzafava, Basdekis & Dadey, PLLC, as and for his Verified Complaint against the defendant herein, upon information and belief, alleges as follows:

**I. PARTIES**

1. That, upon information and belief, at all times hereinafter mentioned, plaintiff, Allan R. Pearsall, was and is a resident of 2403 State Highway 51, in the Town of Morris, County of Otsego, State of New York.
2. That upon information and belief, at all times herein mentioned, the defendant, Wal-Mart Stores East, LP, was an Delaware foreign limited partnership qualified to do business in the State of New York. Said corporation was transacting and transact business within the State of New York, owns real property situated within New York State, and committed a tortious act within New York State, hence establishing jurisdiction as conferred by CPLR Sections 301 and 302.

**II. AS AND FOR THE  
FIRST CAUSE OF ACTION**

3. That upon information and belief, at all times herein mentioned defendant, Wal-Mart Stores East, LP, was and still is engaged in owning, conducting, and operating a retail store located at 5054 State Highway 23, in the Town of Oneonta, County of Otsego, State of New York.
4. That upon information and belief, at all times hereinafter mentioned, the defendant, Wal-Mart Stores East, LP, had a duty to inspect, maintain, and care for the retail store located on 5054 State Highway 23, in the Town of Oneonta, County of Otsego, State of New York.
5. That upon information and belief, on or about March 13, 2020, the plaintiff, Allan R.

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Pearsall, due in whole or in part, to the negligent acts and/or omissions of the defendant, Wal-Mart Stores East, LP, its agents, servants, or employees, was caused to was caused to fall near the hunting and ammunition department inside the Wal-Mart located at 5054 State Highway 23, in the Town of Oneonta, County of Otsego, State of New York, thereby sustaining the injuries hereinafter pled.

6. That upon information and belief, the March 13, 2020 incident caused multiple and severe injuries to the plaintiff's body in general, including but not limited to, injuries to his right shoulder, right arm, and right hand. As a result, he was rendered sick, sore, lame, and disabled and was required to submit to medical care.
7. That upon information and belief, the accident and the resulting injuries to plaintiff, Allan R. Pearsall, were proximately caused by reason of the negligence of the defendant, Wal-Mart Stores East, LP, its agents, servants, or employees, without any fault, negligence, or culpable conduct on the part of the plaintiff contributing thereto.
8. That upon information and belief, the negligence of the defendant, Wal-Mart Stores East, LP, its agents, servants, or employees, consisted of, but was not limited to, the following:
  - a. maintaining the retail store located at 5054 State Highway 23, in the Town of Oneonta, County of Otsego, State of New York in a condition unsafe to customers;
  - b. failure to warn of an unsafe condition;
  - c. failure to adequately inspect the floor in question;
  - d. failure to remove a dangerous condition from the floor in question;
  - e. in permitting the floor of the store for the use of plaintiff and others to remain in a dangerous condition after actual notice and/or constructive notice of such condition;
  - f. failure to mop, dry, or otherwise remove a dangerous and slippery condition from the floor in question;
  - g. negligent training of employees;
  - h. negligent display of goods available for sale in the hunting/ammunition department;
  - i. failure to properly assist customers in the hunting/ammunition department view goods available for sale; and
  - j. violating the laws of the State of New York in such cases made and provided in the rules of law promulgated thereunder.
9. That by reason of the foregoing, the defendant, Wal-Mart Stores East, LP breached its duty of care to the plaintiff.
10. Upon information and belief, this action is within one or more exceptions of Article 16 of the CPLR with respect to the liability of joint and several tortfeasors.
11. That upon information and belief, as a result of the negligence set out above, the plaintiff,

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Allan R. Pearsall, has sustained and will sustain the following damages:

- a. loss of wages, past and future;
- b. physical impairment, past and future;
- c. disfigurement, future;
- d. medical expenses, past and future;
- e. physical pain and suffering, past and future;
- f. mental pain and anguish, past and future; and
- g. loss of enjoyment of life, past and future.

12. That the amount of damages sought herein exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, plaintiff, Allan R. Pearsall, demands judgment against the defendant, Wal-Mart Stores East, LP, in an amount to be determined upon the trial of this action, together with the interest, costs and disbursements of this action.

Dated: November 10, 2020

**SCARZAFAVA, BASDEKIS & DADEY, PLLC**

  
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**Theodoros Basdekis, Esq.**

Attorneys for Plaintiff

Office & P.O. Address

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(607) 432-9341

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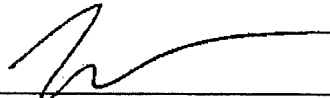
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CERTIFICATION PURSUANT TO THE RULES OF THE CHIEF ADMINISTRATOR § 130-1.1(a).

Dated: November 10, 2020

SCARZAFAVA, BASDEKIS & DADEY, PLLC



THEODOROS BASDEKIS, ESQ.

Attorneys for Plaintiff(s)

Office & P.O. Address

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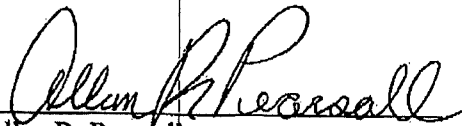
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STATE OF NEW YORK  
COUNTY OF OTSEGO, SS:

INDIVIDUAL VERIFICATION

Plaintiff, Allan R. Pearsall, deposes and says that the deponent is the plaintiff in the within action; that deponent has read the foregoing Summons and Verified Complaint, and that the same is true to the deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes them to be true.

  
Allan R. Pearsall

Sworn to before me this  
10th day of November, 2020

  
Notary Public-State of New York  
My commission expires:

Brandon P. Cadey  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 02DA0280440  
Qualified in Otsego County  
Commission Expires 6/30/21